

United States District Court
EASTERN DISTRICT OF TEXAS
PARIS DIVISION

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT OF TEXAS

NOV 10 2005

DAVID J. MALAND, CLERK
BY
DEPUTY _____

VERA J. ESSEX

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V.

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Commissioner of Social
Security Administration

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CASE NO. 4:04cv393
(Judge Brown/Judge Bush)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF UNITED STATES MAGISTRATE JUDGE

Came on for consideration the Report of the United States Magistrate Judge in this action for judicial review of the administrative denial of Disability Insurance Benefits, this matter having been heretofore referred to United States Magistrate Judge Don D. Bush pursuant to 28 U.S.C. § 636. On October 18, 2005, the Report of the Magistrate Judge was entered containing his proposed findings of fact and recommendation that the decision of the commissioner should be reversed and remanded.

As neither party has filed objections to the Report and Recommendation, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED, ADJUDGED** and **DECREED** that the decision of the Commissioner shall be and is hereby **REVERSED AND REMANDED** for a fair hearing and consideration of Dr. Lopez and Dr. Morrison's opinions, preferably before a

different Administrative Law Judge.

SIGNED this 10 day of November, 2005.


PAUL BROWN
UNITED STATES DISTRICT JUDGE